

**Arizona Department of Health Services
Division of Behavioral Health Services
PROVIDER MANUAL**

Section 3.18 **Pre-Petition Screening, Court Ordered
Evaluation and Court Ordered Treatment**

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3.18.1 Introduction

This section is only applicable to behavioral health providers under contract with a Regional Behavioral Health Authority.

At times, it may be necessary to initiate a civil court action to ensure the safety of a person, or the safety of other persons, due to a person's mental disorder when that person is unable or unwilling to participate in treatment. In Arizona, State law permits any responsible person to submit an application for pre-petition screening when another person may be, as a result of a mental disorder:

- A danger to self (DTS);
- A danger to others (DTO);
- Persistently or acutely disabled (PAD); or
- Gravely disabled (GD).

Pre-petition screening includes an examination of the person's mental status and/or other relevant circumstances by a designated screening agency. Upon review of the application, examination of the person and review of other pertinent information, a licensed screening agency's medical director or designee will determine if the person meets criteria for DTS, DTO, PAD or GD as a result of a mental disorder.

If the pre-petition screening indicates that the person may be DTS, DTO, PAD or GD, the screening agency will file an application for a court ordered evaluation. Based on the immediate safety of the person or others, an emergency admission for evaluation may be necessary. Otherwise, an evaluation will be arranged for the person by a designated evaluation agency within timeframes specified by State law.

Based on the court ordered evaluation, the evaluation agency may petition court ordered treatment on behalf of the person. A hearing, with the person and his/her legal representative and the physicians treating the person, will be conducted. For the court to order ongoing treatment, the person must be determined, as a result of the evaluation, to be DTS, DTO, PAD or GD. A mental health agency, which in some cases may be a RBHA, will be identified by the court as the party responsible for managing the person's court ordered treatment. Court ordered treatment may include a combination of inpatient

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and outpatient treatment. Inpatient treatment days are limited contingent on the person's designation as DTS, DTO, PAD or GD. Person's identified as:

- DTS-may be ordered up to 90 inpatient days per year;
- DTO and PAD-may be ordered up to 180 inpatient days per year;
- GD-may be ordered up to 365 inpatient days per year.

At every stage of the pre-petition screening, court ordered evaluation and court ordered treatment process, a person will be provided an opportunity to change his/her status to voluntary. Under voluntary status, the person is no longer considered to be at risk for DTS/DTO and agrees in writing to receive a voluntary evaluation.

The intent of this section is to provide a broad overview of the pre-petition screening, court ordered evaluation and court ordered treatment process. Depending on a behavioral health provider's designation as a screening, evaluation or court ordered treatment agency, the extent of involvement with persons receiving pre-petition screening, court ordered evaluation and court ordered treatment services will vary. RBHAs will provide explicit expectations for behavioral health providers regarding this content area within the procedures sub-section below.

3.18.2 References

The following citations can serve as additional resources for this content area:

- [A.R.S. Title 36, Chapter 5](#)
- [A.R.S. 14, Chapter 5](#)
- [R9-20-802](#)
- [R9-20-803](#)
- [9 A.A.C 21](#)
- [ADHS/RBHA Contract](#)
- [Transition of Persons Section](#)
- [General and Informed Consent to Treatment Section](#)
- [Behavioral Health Medical Record Standards Section](#)

3.18.3 Scope

To whom does this apply?

All persons who are unwilling or unable to seek behavioral health treatment, who may be DTS, DTO, PAD or GD due to a mental disorder, and who may require pre-petition screening, court ordered evaluation and/or court ordered treatment.

3.18.4 Did you know...?

- Arizona Counties are responsible for managing, providing and paying for pre-petition screening and court ordered evaluations and are required to coordinate provision of behavioral health services with ADHS/DBHS system. Some counties contract with RBHAs to process pre-petition screenings and petitions for court ordered evaluations.
- Upon determination that a person is gravely disabled, the person must be recommended for appointment of a guardian and/or conservator if one is not already assigned to the person.

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- A person found to be gravely disabled and who is undergoing court-ordered treatment receives an annual examination and review to determine whether the continuation of court ordered treatment is appropriate.

3.18.5 Definitions

[Danger to Self \(DTS\)](#)

[Danger to Others \(DTO\)](#)

[Persistently or Acutely Disabled](#)

[Gravely Disabled \(GD\)](#)

[Pre-petition Screening](#)

[Court Ordered Evaluation](#)

3.18.6 Objectives

To inform behavioral health providers of the pre-petitioning screening, court ordered evaluation and court-ordered treatment process for persons who are unable or unwilling to seek behavioral health treatment and, due to a mental disorder, may be DTS, DTO, PAD or GD.

3.18.7 Procedures

3.18.7-A. General Requirements

Behavioral health providers who are licensed by the Arizona Department of Health Services/Division of Assurance and Licensure Services/Office of Behavioral Health Licensure (OBHL) as a court-ordered evaluation or court ordered treatment agency must adhere to OBHL requirements.

In addition, behavioral health providers must adhere to the following expectations:

- Any behavioral health provider that receives an application for court ordered evaluation must immediately refer the applicant for pre-petition screening and petitioning for court ordered evaluation to the RBHA or county facility. If the county has not contracted with a RBHA for pre-petitioning screening and petitioning for court ordered evaluation; **[RBHA insert language here regarding specifically where a behavioral health provider would file pre-petition screens and COEs if other than the RBHA]**
- Any behavioral health provider that receives an application for voluntary evaluation must immediately refer the person to the county facility responsible for voluntary evaluations or to the RBHA. If the county has contracted with the RBHA to perform

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voluntary evaluations; [RBHA insert language here regarding specifically where a behavioral health provider would refer a person for a voluntary evaluation]

- If a behavioral health provider conducts a voluntary evaluation service as described in this section, the comprehensive clinical record (see [Section 4.2, Behavioral Health Medical Record Standards](#)) must include:
 - A copy of the application for voluntary treatment;
 - A completed informed consent form (see [Section 3.11, General and Informed Consent to Treatment](#)); and
 - A written statement of the person's present medical condition.
- Any behavioral health provider filing a petition for non-emergency court-ordered treatment must do so in consultation with the person's clinical team prior to filing the petition;
- A person ordered by the court to undergo treatment can be transferred from a behavioral health provider to another behavioral health provider if:
 - The person does not have a court appointed guardian;
 - The medical director of the receiving behavioral health provider accepts the transfer; and
 - The consent of the court for the transfer is obtained as necessary. (see [Section 3.17, Transfer of Persons](#) for more details)

[RBHA insert specific language here]